

# **TOWN OF NEW WINDSOR**

## **ZONING BOARD OF APPEALS**

**Regular Session**  
**April 10, 2006**

### **AGENDA**

**7:30 p.m. – Roll Call**

#### **PRELIMINARY MEETINGS:**

1. **ROBERT MAZUREK (06-17)** Request for 98 ft. Rear Yard Setback for proposed deck at 118 Vails Gate Heights Drive in an R-5 Zone (71-2-18)

#### **PUBLIC HEARINGS:**

2. **ELIZABETH HORNSBERGER (06-08)** Request for 23 ft. Front Yard Setback for existing front porch with roof at 117 Chestnut Drive in an R-4 Zone (17-2-16)
3. **WILLIAM WALKER (for Craig Filippini) (06-06)** Request for 2 ft. Rear Yard Setback for existing rear deck at 3 Park Road in an R-4 Zone (58-1-22)
4. **JOHN & SHARON BETTS (06-07)** Request to replace existing single-family home with a larger single-family home in a C-Zone on Rt. 94 (69-4-10)
5. **NEIL SCHLESINGER (06-10)** Request for 3,770 sq. ft. Minimum Lot Area for single family home on Station Road in an R-1 Zone (57-1-2.7)
6. **NORMAN VITALE (06-12)** Request for 12 ft. Front Yard Setback for proposed addition on a corner lot at 3 Shaw Road in an R-1 Zone (53-3-4)

#### **FORMAL DECISIONS:**

**EVANS (05-63)**

**LEROY (05-64)**

**LEWIS SIGNS (05-67)**

**PAYNE (05-66)**

**WINCHESTER-VEGA(05-70)**

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

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MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KIMBERLY GANN  
KATHLEEN LOCEY  
PAT TORPEY  
ERIC LUNDSTROM

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

REGULAR MEETING

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MR. KANE: I'd like to call the April 10 Town of New Windsor Zoning Board of Appeals meeting to order.

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PRELIMINARY\_MEETINGS:

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ROBERT\_MAZUREK\_(06-17)

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MR. KANE: First preliminary meeting Robert Mazurek.  
Request for 98 ft. rear yard setback for proposed deck  
at 118 Vails Gate Heights Drive.

Mr. and Mrs. Mazurek appeared before the board for this  
proposal.

MR. KANE: This is a preliminary meeting. The way New  
Windsor does it is we hold two meetings, we hold a  
preliminary meeting so we can get an idea of what you  
want to do and tell you what we need to help you  
accomplish that. Some towns walk in cold, you don't  
have the right information, you lose. So this way we  
do the preliminary, tell us what you want to do and  
speak loud enough for this young lady over here to hear  
you.

MR. MAZUREK: We're building a deck that's about six to  
eight inches above the ground, it's within the fence of  
our yard, we're in a townhouse so our property line  
goes back to the rear of the fence and from what I  
understand it's 100 yards, 100 foot variance building  
restriction.

MS. MASON: Setback.

MR. MAZUREK: Yes, which would put it out the front of  
my front yard and put it into the garden apartments as  
well.

MR. KANE: How big is your fence in the back area?

MR. MAZUREK: It's 20 feet by 30 feet.

MR. KANE: How big is the deck that you want to build?

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MR. MAZUREK: It's about, it's 18 feet by 28 feet.

MR. LUNDSTROM: Twenty-eight feet wide?

MR. MAZUREK: No, 18 feet wide.

MRS. MAZUREK: Nineteen feet wide and 28 feet go back basically most of the yard.

MR. MAZUREK: Again, it's only six to eight inches above the ground, it's really ground level.

MR. KANE: So the property behind the fencing is your property too?

MR. MAZUREK: Well, if you look to the, no, right over there is the end of the property line, see that like little wall there that retaining wall that's the end of the property.

MR. KANE: Hey Mike, how do we have a 98 foot setback when he's got a 20 foot rear yard?

MR. BABCOCK: What happened is that these are townhouses and the property lines go right through the buildings and the setbacks are required for condos, townhouses, the whole thing in today's world it's 100 foot, the rear yard is 100 feet.

MR. KANE: No matter what the reality is?

MR. BABCOCK: Right.

MR. MAZUREK: Now, is it 100 feet both ways like the retaining walls, the property line is it 100 feet up to the garden apartments as well as because the houses, the townhouses they were there first so the property line I would assume 100 feet going up.

MR. BABCOCK: Well, that's today's requirement, if

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these were built today you would need 100 foot back there, that's what the thing is so--

MR. KANE: To build?

MR. BABCOCK: Yes.

MS. GANN: You're keeping the shed that's in the pictures as well?

MRS. MAZUREK: Yes.

MS. GANN: How close would the deck be to the shed?

MRS. MAZUREK: Right by the shed.

MR. MAZUREK: It would be built around the shed.

MR. KANE: We're only talking six inches off the ground.

MR. LUNDSTROM: If I understand correctly, you're saying you have a 30 foot depth in your back yard and you're planning on putting a deck 28 feet so you'd only have two feet off of exposed ground beyond that and the end of your property?

MR. MAZUREK: Right.

MR. LUNDSTROM: Any other townhouses in your area that have something similar or built a deck behind their house?

MR. MAZUREK: Some people have decks but I don't know if they went with the route of permits on things like that but I know there are some houses with decks.

MS. LOCEY: Your property is enclosed?

MR. MAZUREK: Yes.

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MRS. MAZUREK: Yes.

MR. MAZUREK: If you look at the picture you can see the fence going around.

MR. KANE: Mike, how would that be with the developmental coverage, he didn't write that up? I think they would have to see developmental coverage.

MR. BABCOCK: I'll check that.

MR. KANE: We're going to check because you're only allowed to develop so much of your property too so we're going to check on the developmental coverage in that area because looking at your property right here if you're going to cover most of this with a deck that means most of the property then you have the house on it, you have a paved driveway, your developmental coverage percentage becomes large so what we need to do is add that into this.

MR. MAZUREK: I'm sorry, I didn't understand what you said.

MR. KANE: Here's a drawing, you have a piece of property, you're only allowed to develop say 20 percent of the property, your house takes up X amount of space, paved driveway takes up X amount of space, okay, and now you're starting to push that 20 line, if this is all fenced in and you're going to deck that whole thing in, we've got to know what percentage of everything is developed just to cover for you guys, but we need to have that in the public for the public hearing.

MR. MAZUREK: Is that true for townhouses?

MR. KANE: True for everything as far as I know.

MR. BABCOCK: I don't know, I'll check it and if we

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need it we'll write it up.

MR. KANE: We're trying to cover every base so nothing gets skipped, I'm not trying to make it more difficult but if we do see something we want to make sure it's cleared up.

MR. BABCOCK: On your application, Bob, you've got 20 x 30 deck?

MR. MAZUREK: Yeah, basically when we measured it the fence takes up about six inches on each side so I have the back 19.

MR. BABCOCK: So it's 19 x 28?

MR. MAZUREK: Twenty-eight, yeah.

MR. LUNDSTROM: Just one question, did you look at the option of putting blocks or paving blocks down on the ground and if so would that fall under this jurisdiction or would that be an alternative?

MR. KANE: As far as I know, I don't think that he would need any kind of permit to put down pavers but since it's a space of property that doesn't allow water to permeate through it, it could be still under developmental coverage to do something like that where that may, if you go to sell or refinance a bank may come in and see that and you'll be back to square one. We need to check on the developmental coverage which will help answer that question. If it's not part of it then he doesn't need to be here at all to do something like that, okay, per se, I don't personally have a problem with the deck, I believe in using the property and also as far as developmental coverage the way I see that is the deck is going to allow any moisture or rain to go through and you're still going to have the ground underneath it to allow the water to drain through so to me that covers that but that's one vote out of five so

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for the public hearing we're going to find out about developmental coverage.

MR. BABCOCK: Yes.

MR. KANE: Doublecheck the back property line, step back that 100 foot setback.

MR. BABCOCK: Yes.

MR. KANE: Anybody else have any other questions?

MS. LOCEY: I just wondered if you have a homeowners' association?

MR. MAZUREK: We did, we had one but it's not the type of homeowners' association that like a condo, it's like they're individual houses, you own the property underneath the house so it's not a condo.

MR. KANE: Just wanted to make sure.

MR. TORPEY: Like a townhouse.

MR. MAZUREK: It's a townhouse.

MR. KANE: Other questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Robert Mazurek for a public hearing for his request for 90 foot rear yard setback for proposed deck at 118 Vails Gate Heights Drive in an R-5 zone with also checking into the developmental coverage.

MR. LUNDSTROM: I'll second that motion, Mr. Chairman.

MS. LOCEY: Point of order, I believe it's a 98 foot variance.

MR. KANE: You said 100, it's 98.



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MS. GANN: Thank you.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

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PUBLIC HEARINGS:

ELIZABETH HORNSBERGER (06-08)

MR. KANE: Request for 23 ft. front yard setback for existing front porch with roof at 117 Chestnut Drive.

Mr. Dan Buscemi appeared before the board for this proposal.

MR. BUSCEMI: Dan Buscemi, Rainbow Construction. I was actually hoping to put the roof back up for her, she asked me if I'd help her out.

MS. MASON: We do have a proxy.

MR. KANE: Tell us what you want to do, sir.

MR. BUSCEMI: Looking at the pictures there I want to put that roof right back up to where it is, was apparently back in '74 when the roof was placed, she didn't get the permit or go through proper channels to have the roof put in. Last year she had a contractor come out, replace the footings, never bolted it to the porch, the existing porch that's there so a wind storm took it down and trying to replace it when I found out it wasn't put up in the first place properly.

MR. KANE: This whole construction area right here?

MR. BUSCEMI: Yeah, this is actually the roof that's going to go straight up bolted here and here to the side.

MR. KANE: All that white is the roof right there?

MR. BUSCEMI: Right and the porch is I think a foot and a half smaller than that roof.

MR. KANE: You may not know the answer to some of the

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questions, just answer as best you can, we have to ask them in any case, cutting down any trees or substantial vegetation in the building of this deck?

MR. BUSCEMI: No.

MR. KANE: Creating any water hazards or runoffs?

MR. BUSCEMI: No.

MR. KANE: The deck itself is going to extend a little bit further than the front of the house, does it extend passed the front of the house on anybody else on that side of the street?

MR. BUSCEMI: The deck or the roof or are you talking about the porch itself? There's no change.

MR. KANE: But the front part of it doesn't extend any further than any other homes on that block?

MR. BUSCEMI: Two houses down is the same one, the only difference being they have a wood structure rather than metal.

MR. KANE: Do you know how long the roof was on?

MR. BUSCEMI: She told me 1974.

MR. KANE: Do you know if there were any complaints formally or informally about the roof?

MR. BUSCEMI: No, I don't know.

MR. KANE: Mike, anything on record?

MR. BABCOCK: No.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody here for this

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particular hearing, hold on one second, we're going to get a sheet out just so you can write your name and address for the stenographer so she has it. Could you stand up, state your name and address and ask what question or whatever?

MR. D'AMBROSIO: Carmine D'Ambrosio, 115 Chestnut Drive. As far as that it does pass the front of my house, the porch does, this, it's an awning that like it came from a trailer, really shouldn't be on a front of a house, it's an awning that collapsed and she said she's going to put the same thing right back up and it's really not right for the area or the type of porch in the front of the house. May I approach?

MR. KANE: Please.

MR. D'AMBROSIO: She said she's putting the same thing up again, doesn't look right.

MR. KANE: Do you have any pictures at all of it up before it came down?

MR. D'AMBROSIO: No.

MR. KANE: Any specific specs as to what they can use as an awning?

MR. BUSCEMI: There is no drain on it or anything, there's a built-in gutter system on the roof.

MR. D'AMBROSIO: What were you going to put for the floor, it's all brick on it and slab?

MR. BUSCEMI: The front is brick and the top is a flagstone, there's no change other than drilling for the columns.

MR. D'AMBROSIO: It's all shungad (sic.), that's what I'm saying, will you be--

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MR. LUNDSTROM: Can we get an interpretation of shungad?

MR. KANE: No, I can't.

MR. BUSCEMI: I can't talk my customers into spending more money.

MR. KANE: You live right next door?

MR. D'AMBROSIO: Yes.

MR. KANE: Any other questions?

MR. D'AMBROSIO: No, that's basically it.

MS. SECRETO: I didn't hear all, my question is, my question would be are they going to replace the bottom part?

MR. D'AMBROSIO: He said no.

MR. KANE: State your name, we're a little organized.

MS. SECRETO: Stephanie Secreto.

MR. KANE: Do you have anything else?

MRS. D'AMBROSIO: Just aesthetically, it's dangerous, Doreen D'Ambrosio, I live next door to Mrs. Hornsberger too, when it blew down, it could have killed somebody, it's an old piece of sheet metal, she discussed it, she's putting the same thing right back up, aesthetically it doesn't belong on the front of a house, second of all, it's dangerous.

MR. D'AMBROSIO: It's not for the front of a house.

MR. BUSCEMI: With what he said aesthetically it's not

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my preference either but as far as structure my understanding is the way it was explained to me she had a guy who replaced the columns.

MR. D'AMBROSIO: That was my next question.

MR. BUSCEMI: Never bolted it to the floor.

MR. D'AMBROSIO: He didn't bolt it to the top when it lifted up.

MR. BUSCEMI: It was bolted to the top, it actually ripped off.

MR. D'AMBROSIO: Bottom is all rotted out.

MRS. D'AMBROSIO: There's nothing to bolt it to cause the bottom's all rotted out.

MR. BUSCEMI: They do sell adaptors, the columns that she's using supports it.

MR. KANE: We need your address.

MS. SECRETO: Stephanie Secreto, I live at 121 Chestnut Drive, I'm on the other side of Mrs. Hornsberger's house, I would ditto what they said, I don't think it's safe the day that it blew down, it was very dangerous, it's heavy, just ripped right out and I just have the same comment.

MR. TORPEY: How big is the structure?

MR. BABCOCK: Ten by twelve.

MR. BUSCEMI: I had an engineering out there just to assure that the methods to support it again to go through the process and building permit I had an engineer come out take a look at it, take a look at the columns that she chose to use, see if it would support

the weight and it will.

MR. KANE: Anybody else for the public hearing for this particular hearing? Okay, I'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On March 23, I mailed out 65 addressed envelopes and had no response.

MR. KANE: The roof itself that's what they're talking about is that a standard roof that you can, that's made to go outside of a home or are we taking something and just sticking it up with posts on it?

MR. BUSCEMI: No, it's designed, the manufacturer's design on it is to go outside a home, back in 1974, it is a corrugated metal roof wrapped in aluminum square stock.

MR. KANE: Mike, do we have, are there any regulations that we need to think about with the construction of this?

MR. BABCOCK: The problem we have is that they did get an engineer to go out there and he's saying, you know, he's saying that there's certain guidelines that they have to follow to put it back up, what size screws, anchors and so on and so forth and he drew a sketch of it and he's saying that as long as they follow this procedure it's fine.

MR. KANE: Any other questions from the board?

MR. TORPEY: Can't make it look nice, huh?

MR. BUSCEMI: The top part I'm going to redo the best that I can, the bottom it's entirely up to her, I can't go into somebody's home and say look, you've got to pick this, I understand their point.

MR. TORPEY: Can't match the house?

MR. BUSCEMI: No, it's metal going up against a brick house, I gave her one of the options of doing the wood structure with decorator columns a little wider, unfortunately cost factor was an issue for her so--

MR. TORPEY: She didn't want a porch behind the house, right?

MR. BUSCEMI: I can't make her do it.

MR. KANE: I'll accept a motion.

MS. LOCEY: It's my understanding and please let me know if I'm incorrect that the applicant is here for a variance as far as rear yard footage, setback?

MR. BUSCEMI: The front.

MS. LOCEY: Not the aesthetics and we have to be under the assumption, we have to know as does the applicant that all building codes must be complied with, something unsafe isn't going to be allowed by the building department, but that's a decision that's not part of this hearing.

MR. KANE: Correct.

MS. LOCEY: We're here strictly to determine if we will or will not grant this variance, is that correct?

MR. KANE: Correct.

MR. BUSCEMI: Can I just say regarding the concerns I have already submitted the insurance that I have on the building permit application and I took, the engineer came out, if there's a structural question, they're going to be resolved before the roof goes up.



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MS. LOCEY: And again we're here to discuss this two foot variance.

MR. KANE: This has to deal with the porch too, it's the porch.

MR. LUNDSTROM: Also to amplify that we're not an architectural review board, we're a ZBA.

MR. KANE: Correct.

MR. LUNDSTROM: With that in mind, I'd like to make a motion that the application for Elizabeth Hornsbeger's request for 23 foot front yard setback for existing front porch with roof at 117 Chestnut Drive in an R-4 zone, section block and lot 17-2-16 be approved with the conditions that the structure be built according to the engineer, according to the building department and that the structures itself be sound and the roof be sound so that does not happen again where it comes down in heavy wind.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

WILLIAM\_WALKER\_(06-06)

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MR. KANE: Request for 2 ft. rear yard setback for existing rear deck at 3 Park Road.

Mr. William Walker appeared before the board for this proposal.

MR. WALKER: Bill Walker for Craig Filippini and his request for a variance. I don't know if I, the way I read it, I don't know if that's actually the understanding is correct that we need a two foot, the setback is 50, we encroach two feet so he's looking for 48 feet off the property line, I just wanted to make sure.

MR. KANE: Permitted 50, proposed 48, you need two.

MR. WALKER: Correct.

MR. KANE: They're correct, so tell us again like you did in the preliminary hearing exactly what it is you want to do.

MR. WALKER: Well, what we have is the Filippinis had an addition put on the second floor and also a new family room off the back of the house and on the back of that they request me, I'm the gentleman who did the work to put a deck on the back and the size of deck they wanted was obviously two feet over the setback so--

MR. KANE: What's the actual size of the deck?

MR. WALKER: The size of the deck is 20 x 10.

MR. BABCOCK: It's 10 x 20, 10 foot out.

MR. KANE: Ten coming out towards the back so it's really not that large where you can cut two feet off

it.

MR. WALKER: Correct.

MR. KANE: Will you be creating any water hazards or runoffs with the building of the deck?

MR. WALKER: No.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. WALKER: No.

MR. KANE: Is the deck similar in size and nature to other decks that are in that neighborhood?

MR. WALKER: Very much so.

MR. LUNDSTROM: Point of information on the plot plan that you presented looks like the deck is 16 x 10, are you saying it's 20 x 10?

MR. WALKER: Correct, the initial submission was incorrect.

MR. LUNDSTROM: So it should be amended to be 20 x 10.

MR. WALKER: Right, but the depth stayed the same.

MR. KANE: At this point, I will open it up to the public, ask if anybody's here for this particular hearing? Nobody's here, nobody cares. Myra, how many mailings did we have?

MS. MASON: On March 23, I mailed out 58 envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

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MS. LOCEY: I will offer a motion that we grant on the application of William Walker his request for two foot rear yard setback for existing rear deck at 3 Park Road in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JOHN\_ & SHARON\_BETTS\_(06-07)

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Mr. John Betts appeared before the board for this proposal.

MR. KANE: Request to replace existing single-family home with a larger single-family home in a C zone.

MR. BETTS: At the risk of shooting myself in the foot because of cost factors, I may be forced to change the plan or my plan on this property. As I told you all last time, there's a single family residence and a double wide mobile home, it was our intention to demolish the single family residence and build a new house but because of cost factors we're considering now either bringing the mobile home up to code with foundations and additions depending on what Mr. Mason tells me when he comes on Friday or just replacing it, my idea is to spruce up the mobile home, make it into a single family structure.

MR. BABCOCK: Okay.

MR. BETTS: I'm still increasing the non-conformity of the property cause it's going to be larger than what's there but it would be our intention to put foundations down and do it proper but to demolish the house and start from scratch, the cost is getting out of hand.

MR. BABCOCK: So you want to keep the house?

MR. BETTS: Keep the house.

MR. BABCOCK: And the garage?

MR. BETTS: And the garage.

MR. BABCOCK: Just remodel the mobile home?

MR. BETTS: If we can.

MR. KANE: And what's the mobile home being used for?

MR. BABCOCK: Single family, it's fairly new, Mr. Chairman.

MR. BETTS: It's only three years old but it's just too small.

MR. BABCOCK: You'd like to add on to that?

MR. BETTS: If we can, if the builder says it's possible, you know, we have to pour footings and whatnot because it's just not big enough.

MS. GANN: How much bigger are we talking about to make the home?

MR. BETTS: About 1,200 square foot now we're looking at 1,900 square foot total.

MR. KANE: To redo.

MR. BETTS: Change the mobile home from 1,200 to 19.

MR. KANE: And the existing home stays, you're not going to do anything with that?

MR. BETTS: That's correct.

MR. LUNDSTROM: Currently two families living on the property?

MR. BETTS: Yes, myself and my wife and son living in the mobile home and mother-in-law lives in the house up top, it's all family, if that's the question. Either way, I'm still increasing the non-conformity of the property. On the other hand, I'm bringing the property up to code, still not going to be code cause it's commercial but not going to be a mobile home there any

longer which means higher taxes for the town.

MR. BABCOCK: I think that we should do, well, I don't know.

MR. KANE: I think we should table it and what that means is hold off any decision because you're throwing some new stuff at us that we really need to look into as far as being able to expand the mobile home.

MR. BABCOCK: You wouldn't give him a variance on the plan he has now, there are no numbers to work with here because it's not allowed to be there, so we really are approving his plan not 10 feet from the property line not, you know, square footage, not 1,900, 1,200, it's really the plan that you see so I think John what you should do is meet with your contractor and get us a plan and if we feel you have to come back to this board we'll get you back in front of them for a new preliminary and get you set up for a public hearing that's going to make sense.

MR. BETTS: Requires the letters all over again because it's not a cheap process going through you folks and I mean no disrespect?

MS. MASON: You have the list done, so you won't have to pay for that again.

MR. BABCOCK: You may be affecting different people by your decision on where you're going to go.

MR. KANE: If the numbers change from what was in the paper, we have to post it 10 days before the hearing and all those things have changed that has to be posted 10 days before, if we're changing the numbers we've got to come back anyway, that's got to be put back in the paper if we're changing everything.

MR. KRIEGER: That's a requirement of the state law,

state imposes that.

MR. BABCOCK: Quite honestly it's probably the same thing.

MR. BETTS: Square footage only difference, no three car garage, actually smaller.

MR. KANE: Do you guys feel comfortable?

MR. BETTS: But I was proposing 2,200 square foot building with a three car garage.

MR. LUNDSTROM: Three car garage is not there and will not be built.

MR. BETTS: I'm going to keep the existing three car garage that's already there, I was going to demo the house and existing three car garage, build a house and another three car garage just configured on the property.

MR. KANE: Now we're going to stay and improve the mobile home in the back, mobile home from the side property line and the back property line we're okay with that?

MR. BETTS: Well, there are no requirements as I understood it because it's commercial.

MR. BABCOCK: He's in the commercial zone.

MR. BETTS: But it's 15 feet side and mobile 40 feet rear maybe it's 40 feet, maybe not.

MR. KANE: How much bigger are you thinking of making the mobile home?

MR. BETTS: It's 1,200 going to 19 but most is going to be in the front where the setback doesn't come into



play but if I go 6 feet off the back which I'm thinking it will make the rear yard setback smaller than what it is now.

MR. LUNDSTROM: You're asking this board to approve a concept because the plans that were submitted are no longer valid?

MR. BETTS: Well, I don't know if I'm asking you to do that or not, I'm just coming up here and saying what's in the back of my mind. If I need to start over, that's it.

MR. KRIEGER: I suggest the board ought to table it when they have a specific plan, look at it whether or not he will have to, he won't have to buy the list, whether or not he will have to publish or send out letters depends on--

MR. KANE: What he brings back to the board.

MR. KRIEGER: And how it fits with the public notice which determination I can only make when he brings something back so it may or may not cost him any additional money depending on what it is.

MR. BETTS: In order for me to come back, I have to submit a building permit and get rejected again?

MR. KANE: No, just bring what you want to do to Mike.

MR. BABCOCK: Just change the plan just based on what you're saying here tonight, I think what we're going to be able to do is slip this plan out and slip your new plan in, let the board look at it, let me look at it first to see if there's any other sections.

MR. KRIEGER: The problem is you don't want to get a variance, if you were successful tonight, we went ahead and you were successful in getting a variance it may

not be exactly what you need when the plan comes in.

MR. BETTS: Aren't I asking for a use variance, isn't that what we're doing here?

MR. BABCOCK: No.

MR. KANE: No, a use variance is a whole different world, basically come down and come in and tell us that you can't sell that property, doesn't mean make a profit, but you can't sell it for an existing use even if you lose money.

MR. BABCOCK: What the law says if you have a non-conforming use, you cannot increase the degree of non-conformity, when he makes it larger, he's increasing it, so he's asking for a variance from the section of the code that says you cannot increase the non-conformity, so by making it larger and getting closer to property lines he's increasing it.

MR. BETTS: Isn't that what I'm also proposing now?

MR. BABCOCK: Yes, you are, but the plan is what you approve because there's no measurement, like I stated before, you're not allowed to be 10 foot from the property line, so when they look at the plan like this plan that you drew up, if they approve it that's what you have to build, no bigger, I mean, if you went a little smaller, it wouldn't be a problem, but you're doing it on a different house so we really have got to get a different plan.

MR. KANE: I think the delay is the best thing for you, we're not looking to cost you anymore money, just cover the bases correctly and with Mike's experience going in there probably you'll come back in front of us and it shouldn't cost you that much.

MS. MASON: We have to do the mailings though, right?

MR. KRIEGER: I don't know yet, let's look at the plan and I have to look at what the last announcement said.

MS. GANN: Do they have to go through a preliminary again or does he go right to public?

MR. KANE: No, we're going to table which means he's still active here, you come right back here, Mike fields it, you're going to come back here unless Andy comes up with something that we need to legally republish.

MR. BABCOCK: Can we table it to a certain date so if there's any people here from the public they can come back?

MR. KANE: Oh, yeah, definitely.

MR. KRIEGER: I would suggest the board has an option they can either table it without date or table it to a specific date. The difference is if you table it without date and you have to move to take it off the table at the time that it's brought back before you can reconsider it. If it's tabled to a specific date just put it on the agenda on that date and go ahead.

MR. BABCOCK: It may save the applicant from doing the re-notify.

MR. KANE: I think a specific date works for you.

MR. BETTS: Well, I don't have the builder coming until Friday.

MR. KANE: We only meet the second and fourth Mondays of the month.

MR. BETTS: Depending on what he tells me can be done.

MR. KANE: You can be in the next meeting or the one right after that.

MS. MASON: Probably the one after that, the next one is pretty full.

MR. BETTS: What's the date of the one after that?

MR. KANE: That would be the second Monday in May. I need a motion, one other consideration when you bring the plan in on that you're going to talk about the side and back, I'd prefer you leave the property lines as open as you can and not make them any tighter, try to bring it more inside the property. Make sense?

MR. BETTS: Well, I can't do that without moving the whole mobile home though I'll try.

MR. LUNDSTROM: You're putting a new mobile home on?

MR. BETTS: No, I'm going to take the mobile home and go this way. Does that mean I have to physically pick up the mobile home and move it?

MR. KANE: You said you might build behind it and go a couple feet, I'm asking consider the behind it carefully, I'd rather see you in front of it and keep the property line good but if you have to go there, fine.

MR. BETTS: I'll consider it.

MR. LUNDSTROM: I'd like to see the setbacks on all the sides for all the structures.

MR. BETTS: That's easy.

MR. KANE: So I'll need a motion.

MR. LUNDSTROM: So move that we adjourn this until a

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date specific, May 8, table it, table it, I stand corrected.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

NEIL\_SCHLESINGER\_(06-10)

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Mr. Neil Schlesinger appeared before the board for this proposal.

MR. KANE: Request for 3,700 sq. ft. minimum lot area for single family home on station road. Tell us what you want to do, sir.

MR. SCHLESINGER: I have a piece of property that's 76,230 feet, we're in an R-1 zone which requires an 80,000 square foot piece of property for an approved building lot so in essence what we're doing is asking you for a variance of 3,770 feet. And I know that there's people in the audience that have received letters and for their benefit so that they understand exactly we're not trying to build a house on 3,770 square feet, the requirement is 80,000 and we're just short a little bit.

MR. KANE: Right, the proposed dwelling is not going to need any variances for property lines or anything like that?

MR. SCHLESINGER: No.

MR. KANE: All we need to worry about is lot area?

MR. SCHLESINGER: Right.

MS. GANN: How large is the proposed structure going to be?

MR. SCHLESINGER: Total house would probably be 2,500 square feet.

MR. KRIEGER: How does that compare with the houses around it?

MR. SCHLESINGER: Smaller.

MS. LOCEY: You said it will meet all the setback requirements?

MR. SCHLESINGER: Yes, absolutely.

MR. KANE: Creating water hazards or runoffs with the building of the home?

MR. SCHLESINGER: No, on the contrary.

MR. KANE: And cutting down substantial vegetation or trees?

MR. SCHLESINGER: There was trees removed but there's at least 20 foot buffer of trees left on the balance.

MR. KANE: We'll hold it at this point and ask if there's anybody in the audience for this hearing? Nobody's here. Nobody cares. So we'll close the public portion of the hearing and ask Myra how many mailings.

MS. MASON: On March 23, I mailed out 10 envelopes and had no response.

MR. LUNDSTROM: May I ask for an interpretation of this plot plan? Which of the buildings are you proposing on putting up, which ones are there already?

MR. SCHLESINGER: I have a blow-up to make it easier, this is the piece that we're talking about right here.

MR. LUNDSTROM: I was thinking it might have been the bottom portion.

MR. SCHLESINGER: That's why I brought in the blow-up and pretty much speaks for itself, there's stone wall here, stone wall here, this is Station Road, as a matter of fact, we cleared some trees which made the

sight distance for the driving a lot better.

MR. KANE: Neil, can you show them that?

MR. SCHLESINGER: Sure.

MR. LUNDSTROM: You have not yet identified where on the parcel of land you plan on putting the building?

MS. MASON: On the top part.

MR. LUNDSTROM: Okay.

MR. KANE: That's why I asked before there's no variances needed for property lines or anything.

MR. KRIEGER: Those stone walls are existing now on the boundary lines?

MR. SCHLESINGER: Yes.

MR. KANE: Further questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the request of Neil Schlesinger for 3,770 square foot minimum lot area for a single-family home on Station Road in an R-1 zone.

MR. TORPEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: That's about a 5 percent increase for a variance, it's about 5 percent of the total?



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MR. SCHLESINGER: Less than that, we're going 7, I'd say closer to 4 but no more than 5.

MR. KANE: I just wanted to get that in the record.

MR. SCHLESINGER: That's correct, yes.

NORMAL\_VITALE\_(06-12)

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Mr. and Mrs. Norman Vitale appeared before the board for this proposal.

MR. KANE: Request for 12 ft. front yard setback for proposed addition on a corner lot at 3 Shaw Road. Tell us what you want to do.

MR. VITALE: We're looking to recreate an addition on our house, two story addition coming out 12 feet, 16 feet wide, bottom floor would be a den and top floor would be, would create a larger bedroom.

MR. LUNDSTROM: Structure is currently two stories?

MR. VITALE: Yes.

MR. KANE: Can you show me on this picture here what's the front of your house?

MR. VITALE: This is the front.

MS. GANN: So the proposed addition is on the side, is it bumping out, is that what it's doing?

MR. VITALE: No.

MS. GANN: If I look at this picture--

MRS. VITALE: It's coming out right this way.

MR. KANE: Is this little square right here, is that it?

MR. VITALE: It's a concrete pad.

MR. KANE: So this is currently the front of your house right here?

MR. VITALE: Yes.

MR. KANE: The extension is going to go passed the front of the house?

MR. VITALE: Passed the porch, this is a covered porch.

MR. KANE: Okay, and that's where we need the 12 foot front yard setback?

MR. BABCOCK: Yes.

MR. LUNDSTROM: Normally the setback there would be what, Mike?

MR. BABCOCK: In today's world, it's 45 feet but not when this house was built.

MR. KANE: When was it built?

MR. VITALE: 1874.

MR. KANE: Because I was wondering on the nine foot.

MR. LUNDSTROM: Mike, the fact that there's an existing porch there which seems to encroach somewhat upon that 45 feet does that come into play?

MR. BABCOCK: The existing porch is existing from 1900's or whenever, the steps down with the little patio that would be exempt from the setback, so they're going out beyond the existing porch and that's the reason they're here tonight.

MR. KANE: Okay, cutting down any trees, substantial vegetation in the building of the addition?

MR. VITALE: We removed some trees in the front of the yard.

MR. KANE: Create any water hazards or runoffs?

MR. VITALE: No.

MR. KANE: Will the addition go over any type of easements?

MR. VITALE: No.

MR. KRIEGER: The trees that you removed, did that assist the vision of motorists on the adjacent roadways to make it safer?

MR. VITALE: Oh, yeah.

MRS. VITALE: That's why we did it.

MR. KANE: And the addition going on the house will keep your home similar in size and nature to other homes that are in your neighborhood?

MR. VITALE: Yes.

MR. KRIEGER: How big is the piece of property you're on?

MR. VITALE: Three quarters of an acre, I think it's .67.

MR. KANE: At this point, I will open the public portion of the hearing and ask if anybody's here for this particular hearing? Nobody cares. We'll close the public portion of the hearing, bring it back to Myra, how many mailings?

MS. MASON: On March 24, I mailed out 30 envelopes and had no response.

MR. KANE: I have no further questions. Does anybody on the board have any further questions? I'll accept a

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motion.

MS. GANN: I will offer a motion that we grant Norman Vitale's request for 12 foot front yard setback for proposed addition on corner lot at 3 Shaw Road in an R-1 zone.

MR. TORPEY: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

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FORMAL DECISIONS:

1. EVANS
2. LEROY
3. LEWIS SIGNS
4. PAYNE
5. WINCHESTER-VEGA

MS. LOCEY: I will offer a motion.

MR. KANE: Accept all the formal decisions as written.

MR. LUNDSTROM: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MS. LOCEY: Motion to adjourn.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer